

MESSAGE NO: 5088113

MESSAGE DATE: 03/29/1995

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FIN-Final Determination

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-832

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 03/30/1995 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: FINAL ON PURE MAGNESIUM FROM PEOPLE'S REPUBLIC OF CHINA (A-570-832)

MESSAGE NO: 5088113

DATE: 03 29 1995

CATEGORY: ADA

TYPE: FIN

REFERENCE:

REFERENCE DATE:

CASES: A - 570 - 832

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PERIOD COVERED: 03 30 1995 TO

LIQ SUSPENSION DATE:

TO: REGIONAL DIRECTORS, COMMERCIAL OPERATIONS
DISTRICT DIRECTORS, AREA AND PORT DIRECTORS

FROM: DIRECTOR, TRADE COMPLIANCE DIVISION

RE: FINAL ON PURE MAGNESIUM FROM PEOPLE'S REPUBLIC OF CHINA
(A-570-832)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON MARCH 30, 1995, ITS FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF PURE MAGNESIUM FROM THE PRC.

2. THE SCOPE OF THIS INVESTIGATION HAS BEEN MODIFIED SINCE THE PRELIMINARY DETERMINATION TO CLARIFY THE DISTINCTIONS BETWEEN PURE AND ALLOY MAGNESIUM. THE AMENDED SCOPE IS AS FOLLOWS:
THE PRODUCT COVERED BY THIS INVESTIGATION IS PURE PRIMARY

MAGNESIUM REGARDLESS OF CHEMISTRY, FORM OR SIZE, UNLESS EXPRESSLY

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION. PRIMARY MAGNESIUM IS A METAL OR ALLOY CONTAINING BY WEIGHT PRIMARILY THE ELEMENT MAGNESIUM AND PRODUCED BY DECOMPOSING RAW MATERIALS INTO MAGNESIUM METAL. PURE PRIMARY MAGNESIUM IS USED PRIMARILY AS A CHEMICAL IN THE ALUMINUM ALLOYING, DESULFURIZATION, AND CHEMICAL REDUCTION INDUSTRIES. IN ADDITION, PURE PRIMARY MAGNESIUM IS USED AS AN INPUT IN PRODUCING MAGNESIUM ALLOY.

PURE PRIMARY MAGNESIUM ENCOMPASSES: 1) PRODUCTS THAT CONTAIN AT LEAST 99.95% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERED TO AS "ULTRA-PURE" MAGNESIUM); 2) PRODUCTS CONTAINING LESS THAN 99.95% BUT NOT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT (GENERALLY REFERRED TO AS "PURE" MAGNESIUM); 3) PRODUCTS (GENERALLY REFERRED TO AS "OFF-SPECIFICATION PURE" MAGNESIUM) THAT CONTAIN 50% OR GREATER, BUT LESS THAN 99.8% PRIMARY MAGNESIUM, BY WEIGHT, AND THAT DO NOT CONFORM TO ASTM SPECIFICATIONS FOR ALLOY MAGNESIUM.

"OFF-SPECIFICATION PURE" MAGNESIUM IS PURE PRIMARY MAGNESIUM CONTAINING MAGNESIUM SCRAP, SECONDARY MAGNESIUM, OXIDIZED MAGNESIUM, OR IMPURITIES (WHETHER OR NOT INTENTIONALLY ADDED) THAT CAUSE THE PRIMARY MAGNESIUM CONTENT TO FALL BELOW 99.8% BY WEIGHT. IT GENERALLY DOES NOT CONTAIN, INDIVIDUALLY OR IN COMBINATION, 1.5% OR MORE, BY WEIGHT, OF THE FOLLOWING ALLOYING ELEMENTS: ALUMINUM, MANGANESE, ZINC, SILICON, THORIUM, ZIRCONIUM, AND RARE EARTHS.

EXCLUDED FROM THE SCOPE OF THIS INVESTIGATION ARE ALLOY PRIMARY MAGNESIUM, PRIMARY MAGNESIUM ANODES, GRANULAR PRIMARY MAGNESIUM (INCLUDING TURNINGS AND POWDER), AND SECONDARY MAGNESIUM.

GRANULAR MAGNESIUM, TURNINGS, AND POWDER ARE CLASSIFIABLE UNDER THE HTSUS SUBHEADING 8104.30.00. MAGNESIUM GRANULES AND TURNINGS (ALSO REFERRED TO AS CHIPS) ARE PRODUCED BY GRINDING AND/OR CRUSHING PRIMARY MAGNESIUM AND THUS HAVE THE SAME CHEMISTRY AS PRIMARY MAGNESIUM. ALTHOUGH NOT SUSCEPTIBLE TO PRECISE MEASUREMENT BECAUSE OF THEIR IRREGULAR SHAPES, TURNINGS OR CHIPS ARE TYPICALLY PRODUCED IN COARSE SHAPES AND HAVE A MAXIMUM LENGTH OF LESS THAN 1 INCH. ALTHOUGH SOMETIMES PRODUCED IN LARGER SIZES, GRANULES ARE MORE REGULARLY SHAPED THAN TURNING OR CHIPS, AND HAVE A TYPICAL SIZE OF 2MM IN DIAMETER OR SMALLER.

POWDERS ARE ALSO PRODUCED FROM GRINDING AND/OR CRUSHING PRIMARY MAGNESIUM AND HAVE THE SAME CHEMISTRY AS PRIMARY MAGNESIUM, BUT ARE EVEN SMALLER THAN GRANULES OR TURNINGS. POWDERS ARE DEFINED BY THE SECTION NOTES TO SECTION XV, THE SECTION OF THE HTSUS IN WHICH SUBHEADING 8104.30.00 APPEARS, AS PRODUCTS OF WHICH 90% OR MORE, BY WEIGHT, WILL PASS THROUGH A SIEVE HAVING A MESH APERTURE OF 1MM. (SEE, HTSUS, SECTION XV, BASE METALS AND ARTICLES OF BASE METALS, NOTE 6(B).) ACCORDINGLY, THE EXCLUSION OF MAGNESIUM TURNINGS, GRANULES, AND POWDER FROM THE SCOPE INCLUDES PRODUCTS HAVING A MAXIMUM PHYSICAL DIMENSION OF 1 INCH OR LESS.

THE PRODUCT SUBJECT TO THIS INVESTIGATION IS CLASSIFIABLE UNDER SUBHEADINGS 8104.11.00, 8104.19.00, AND 8104.20.00 OF THE HTSUS. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE IS DISPOSITIVE.

3. FOR FURTHER REPOSTING PURPOSES, THIS CASE HAS BEEN ASSIGNED THE FOLLOWING CASE NUMBER: (A-570-832).

4. THE U.S. CUSTOMS SERVICE SHALL CONTINUE TO SUSPEND LIQUIDATION OF ALL ENTRY SUMMARIES OF PURE MAGNESIUM FROM THE PRC THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION, ON

OR AFTER NOVEMBER 07, 1994. EFFECTIVE MARCH 30, 1995, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR BOND FOR SUCH ENTRY SUMMARIES OF THE SUBJECT MERCHANDISE ACCORDING TO THE FOLLOWING SCHEDULE:

MANUFACTURER\ EXPORTER	CUSTOMS ID NUMBER	MARGIN PERCENTAGE
ALL	A-570-832-000	108.26%

5. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, THE TECHNICAL PROGRAMS, ANTIDUMPING\ COUNTERVAILING DUTY, USING ATTRIBUTE "HQ OAB". OTHER INTERESTED

PARTIES SHOULD CONTACT DAVID J. GOLDBERGER OR LOUIS APPLE,
OFFICE OF ANTIDUMPING INVESTIGATIONS, IMPORT ADMINISTRATION,
INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE,
TELEPHONE (202) 482-4136 OR (202) 482-1769, RESPECTIVELY.

6. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

NANCY MCTIERNAN

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party